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Fiftieth session

SUMMARY RECORD OF THE 46th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 1 March 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

CONTENTS

Statement by the State Minister for Foreign Affairs of the Sudan

Statement by the Minister of State for Foreign Affairs and Cooperation of Burundi

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to

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GE.94-11865 (E)

GE 94-12439

CONTENTS (continued)

achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development:

(a) Popular participation in its various forms as an important factor in development and in the full realization of all human rights (continued)

Question of the realization of the right to development (continued)

Rights of persons belonging to national or ethnic, religious and linguistic minorities (continued)

Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;

(d) Human rights, mass exoduses and displaced persons;

(e) International Year of the Family (continued)

Advisory services in the field of human rights (continued)

The meeting was called to order at 10.25 a.m.

STATEMENT BY THE STATE MINISTER FOR FOREIGN AFFAIRS OF THE SUDAN

1. The CHAIRMAN invited the State Minister for Foreign Affairs of the Sudan to address the Commission.

2. Mr. RORIC (Sudan) said that, despite all appearances, world peace was attainable since it was part of the original divine plan. The Commission was the nucleus of the society of nations and had a crucial role to play in promoting human rights and achieving peace. His Government's commitment to promoting human rights had been illustrated by the holding of a Government-sponsored National Dialogue Conference on Human Rights, at Khartoum in 1990. The recommendations formulated by that Conference, focusing on the war situation, had been adopted by the Council of Ministers.

3. Sudan was one of the few countries in the world which had no record of massive and systematic human rights violations. The current situation - brought on by the civil war in the southern Sudan - was a product of the country's colonialist past. For decades, religious and ethnic harmony, in particular between Christians and Muslims, had prevailed in the Sudan. A religious forum for dialogue between Christians and Muslims, in being since the Sudan had gained its independence, was designed to promote religious tolerance. The current problem, therefore, was not religious in nature, but rather a political and cultural difference between south and north which the Government had hoped to resolve by establishing a federal system.

4. The restoration of peace was a priority of his Government, which, as early as 1989, had organized a National Dialogue Conference on Peace. The recommendations put forward by that Conference were serving as guidelines for the peace process in the southern Sudan and formed the basis for the establishment of a new national administrative system. The Government had also begun to implement a plan for the creation of a political system that would be responsive to the country's diverse religious, cultural and ethnic groups.

5. His Government had made a number of overtures to the Sudan people's Liberation Army (SPLA). In 1989, it had sent a delegation to meet representatives of the SPLA at Addis Ababa and had since participated in negotiations at Nairobi mediated by a former President of the United States; at Kampala, under the auspices of a former President of Uganda; and at Abuja, under the auspices of a former President of Nigeria. All those initiatives had been to no avail, owing to interference by certain members of the international community. His delegation thus called on the Commission to urge those parties to refrain from interfering and allow the Sudan to resolve its own problems.

6. None the less, his Government had requested the four presidents of the countries in the Horn of Africa to join the peace effort and to establish guidelines acceptable to all the conflicting parties. That initiative was being led by President Moi of Kenya.

STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AFFAIRS AND COOPERATION OF BURUNDI

7. The CHAIRMAN invited the Minister of State for Foreign Affairs and Cooperation of Burundi to address the Commission.

8. Mr. NGENDAHAYO (Burundi) said that 1993 had been a landmark year in the history of human rights in his country. It had witnessed the democratic election, in June 1993, of a civilian President and a National Assembly. The Sahwanya-Frodebu party (Democratic Front of Burundi), the victor in those elections, had stressed respect for human rights, social justice and democracy. When the newly elected President, Mr. Melchior Ndadaye, had taken office in July 1993, it had been widely believed that Burundi was going to serve as a model of democracy for many African countries.

9. Mr. Ndadaye had been the first Burundi Head of State to admit opposition parties into his Government and to assign responsibility for human rights to a ministry. He had declared a general amnesty, under which 5,000 prisoners, most of them political prisoners or simply innocent of offences, had been released. He had turned Kirundo Prison, in the northern part of the country, into a much-needed secondary school. He had also intended to abolish the death penalty, in the belief that the right to life was the most fundamental of all rights.

10. Unfortunately, in October 1993, Mr. Ndadaye had been brutally assassinated, together with other important leaders of the country, in a coup d'état staged by a portion of the national army. That coup had been followed by unprecedented ethnic and political violence. Tens of thousands of people had lost their lives; many hundreds of thousands had been forced to leave their homes as internally displaced persons and nearly 1 million persons had been exiled to Tanzania, Rwanda and Zaire. The demolition of the public and private infrastructure and shattered the economy and had ripped apart the nation's social fabric.

11. The socio-economic situation of the neighbouring countries that had taken in the refugees from Burundi had also been destabilized. In that connection, he wished to stress that the refugees had not fled from the Government of Burundi but from the damage done by the national army. He wished to thank the Governments of the neighbouring and other friendly countries, the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity and their representatives for all the support and assistance they had given to his country.

12. Following negotiations, Mr. Cyprien Ntaryamira, a close associate of the late President Ndadaye and a founder member of the Sahwanya-Frodebu party, had been elected President almost unanimously by the National Assembly. Inaugurated in early February, he had established a Government of national unity, in which 40 per cent of the ministerial posts were held by members of the opposition. The new Government's top priority was to put an end to the massacres and restore peace by reviving all the national institutions.

13. An important component of that initiative was building public awareness and education in the field of human rights. To that end, a programme on the culture of tolerance, the sense of justice and democracy would be offered to all strata of the population. The programme, which would reach out to young persons, both in and out of school, and to the adult community, would be supervised by the recently established Ministry of Human Rights and Refugees.

14. An independently-run Centre for the Promotion of Human Rights had been established in order to consolidate the Government's policy. Its aim was to kindle respect for human rights in all the people of Burundi of every walk of life. The construction and consolidation of a new Burundi would require the support of all democratic forces in the country and of the international community, particularly the United Nations Centre for Human Rights.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

(a) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS

(agenda item 7) (continued) (E/CN.4/1994/L.18 and L.22; E/CN.4/1994/2, chapter B, draft decision 9)

Draft resolution on the question of the realization in all countries of economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights (E/CN.4/1994/L.18)

15. Mrs. SANTOS PAIS (Observer for Portugal) said that, after broad consultations, the sponsors, most of whom were members of the Commission, had agreed to incorporate the changes she had read out at the Commission's 42nd meeting. The Malaysian proposal to insert the word "fundamental" before the word "freedoms" in the third preambular paragraph was quite acceptable. However, the sponsors and non-sponsors alike, representing all the regional groups, preferred not to end the paragraph with the word "interrelated", as the representative of Malaysia had proposed.

16. The language which he wished to delete was also, in fact, contained in the draft resolution on human rights and extreme poverty (E/CN.4/1994/L.20), which had been adopted by consensus several days previously, the delegation of Malaysia being part of that consensus. Since 1988, draft resolutions on the current topic had always included the phrase which the Malaysian delegation sought to delete. The same concept had been reaffirmed by consensus by the World Conference on Human Rights, especially within the framework of the right

to development, and was expressed in the tenth preambular paragraph of the Declaration on the Right to Development. For all those reasons, the sponsors insisted on retaining the phrase in question.

17. Mr. GANAPATHY (Malaysia) said that there was nothing sacrosanct about the phrase in the third preambular paragraph which his delegation sought to delete. The fact that a similar phrase appeared in other resolutions did not mean that it had always to be adopted. The observer for Portugal had failed to explain precisely what the phrase meant. It was a cobweb that should be swept away.

18. Mr. VERGNE SABOIA (Brazil) said that, following the consultations, his delegation was prepared to join the consensus on the draft resolution.

19. At the request of the representative of the United States of America, a vote was taken by roll-call on the Malaysian proposal to delete from the third preambular paragraph of the draft resolution the words "and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights".

20. Austria, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Malaysia.

Against: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Guinea-Bissau, Hungary, Italy, Japan, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Peru, Poland, Republic of Korea, Romania, Russian Federation, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: China, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia.

21. The Malaysian amendment was rejected by 39 votes to 1, with 13 abstentions.

22. Mr. SHIRAISHI (Acting Secretary of the Commission) said that the resources required to implement the recommendation contained in operative paragraph 8 of draft resolution E/CN.4/1994/L.18 were estimated at US$ 40,000 for 1994. A statement on the administrative and programme-budget implications of the resolution would be submitted to the Economic and Social Council at its next session, in the context of the Council's review of the report on the fiftieth session of the Commission on Human Rights.

23. At the request of the representative of Malaysia, the vote on the draft resolution was taken by roll-call.

24. Mauritania, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Guinea-Bissau, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Malaysia.

25. Draft resolution E/CN.4/1994/L.18 was adopted by 52 votes to none, with 1 abstention.

26. The CHAIRMAN said that the adoption of draft resolution E/CN.4/1994/L.18 meant that draft decision 9 on "Human rights and income distribution", recommended by the Sub-Commission, had been superseded.

Draft resolution on the question of trade union rights (E/CN.4/1994/L.22)

27. Mr. WILLIS (Australia) said that consultations were continuing with a number of delegations, and in particular with that of Malaysia, which had proposed a number of amendments to the draft resolution.

28. The CHAIRMAN suggested that the Commission should postpone its consideration of the draft resolution until consultations had led either to a consensus or to an agreement that certain amendments would be put to the vote.

29. It was so decided.

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1994/L.28).

Draft resolution on the right to development (E/CN.4/1994/L.28)

30. Mr. BROTODININGRAT (Indonesia), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Angola, Cameroon, Côte d'Ivoire, Ecuador, Guinea-Bissau, the Libyan Arab Jamahiriya and Peru and the observers for Algeria, Bhutan, Guatemala, Mongolia, Morocco, Senegal, Thailand and Zimbabwe, said that, since the adoption of the resolution on the same subject in 1993, three major events had taken place: the reaffirmation by consensus in the Vienna Declaration of the right to development as a universal and inalienable right and an integral part of

fundamental human rights; the convening of the first meeting of the Working Group on the Right to Development; and the recent appointment of the United Nations High Commissioner for Human Rights.

31. The draft resolution was intended to continue the momentum generated by those important events and he hoped it would receive the widest possible support.

32. There was an error in the French version of operative paragraph 5 (b), where the words "focal unit" had been translated by "un groupe de functionnaires". He asked the secretariat to make the necessary correction.

33. Mr. SHIRAISHI (Acting Secretary of the Commission) said that the resources required to implement the provisions of operative paragraphs 7 and 11 of the draft resolution were estimated at US$ 44,000 for 1994. A statement on the administrative and programme-budget implications would be submitted to the Economic and Social Council at its next session, in the context of the Council's review of the report on the fiftieth session of the Commission on Human Rights.

34. Mrs. FERRARO (United States of America), speaking in explanation of vote before the voting, said that her Government had, a year previously, decided for the first time to accept references to the right to development and to seek a serious dialogue with other Governments on its content and meaning. Her delegation had been encouraged at the World Conference on Human Rights by the response of the international community to that change of policy. At the forty-eighth session of the General Assembly, her delegation had been concerned at the difficulty of keeping up that positive momentum but, after protracted negotiations, a consensus had been reached.

35. Her delegation regretted that the Commission had not held a serious and thought-provoking debate on the issue. It would vote against the draft resolution because its focus was on form rather than substance: the Working Group on the Right to Development was virtually equated with the treaty bodies empowered to give directions to the Centre for Human Rights without going through the Commission and was instructed to invite to its meetings the heads of United Nations bodies and international financial institutions, something that, in the past, had been done only by the Economic and Social Council itself.

36. The attention was on the bureaucracy, and the result would inevitably be a diversion to bureaucratic pursuits of scarce resources that could better be used to protect and promote all human rights in the field, including the right to development.

37. Mr. STEEL (United Kingdom) recalled that the consensus achieved at the World Conference on Human Rights on the right to development, and maintained at the forty-eighth session of the General Assembly, had required a number of countries - including his own - to make significant policy changes. The resulting texts had been fair and balanced. Despite exhaustive consultations, that spirit had not been preserved in the current draft resolution.

38. His delegation could not agree to the establishment of a permanent evaluation mechanism, as foreshadowed in operative paragraph 2, and in fact, took the view that the Commission on Human Rights was already a fully appropriate permanent evaluation mechanism for implementing the right to development. No case had been made for establishing a further body, nor could there be any such case until the Working Group had completed its task.

39. The provision in operative paragraph 6 that the Working Group should involve itself in the creation of a favourable international economic climate raised a host of issues outside the competence of the Commission. It was a totally unsuitable request to address the Working Group.

40. His delegation was thus unable to support the draft resolution.

41. Mr. MARUYAMA (Japan) said that his delegation had welcomed the consensus on the right to development reached at the World Conference on Human Rights and reflected in General Assembly resolution 48/130. However, it would vote against the draft resolution, operative paragraphs 2 and 6 of which it found unacceptable.

42. Mr. BAUM (Germany) said that his delegation would abstain despite its strong commitment to the right to development. It was fully aware of the difficulty of defining and expanding that right and had therefore welcomed the consensus that had emerged at the World Conference on Human Rights and fully supported the activities of the Working Group on the Right to Development.

43. He had reservations concerning two of the paragraphs in the draft resolution. Operative paragraph 2 referred to the establishment of a permanent evaluation mechanism. In his view, before it set up any new mechanisms, the Working Group on the Right to Development should first carry out its mandate, as set forth in Commission resolution 1993/22. Operative paragraph 6 enlarged the mandate of the Working Group, authorizing it to make recommendations on global economic policy. Such a matter did not come within the scope of human rights and should be dealt with elsewhere.

44. That paragraph would have been acceptable if it simply stated that the Commission had taken note of the comments of the Working Group regarding the implementation of the right to development at the national and international levels, with due regard for the needs of the developing countries and for the priority to be given to the special needs of the least developed countries.

45. At the request of the representative of Indonesia, a vote was taken by roll-call on draft resolution E/CN.4/1994/L.28.

46. Hungary, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, France, Gabon, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Romania, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Uruguay, Venezuela

Against: Japan, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Canada, Finland, Germany, Hungary, Italy, Netherlands, Poland, Russian Federation

47. Draft resolution E/CN.4/1994/L.28 was adopted by 42 votes to 3, with 8 abstentions.

48. Mr. TYSZKO (Poland) said that his delegation had abstained on the draft resolution. While it had tried its best to arrive at a universally acceptable text, that had not been possible. He hoped that, at its next session, the Commission would be able to adopt a resolution on the right to development that was based on the consensus arrived at during the World Conference on Human Rights.

49. Mr. MALGINOV (Russian Federation) said that his delegation had abstained because the text of the resolution changed the orientation and broadened the mandate of the Working Group on the Right to Development. Consequently, it went beyond the scope of the consensus achieved at the World Conference on Human Rights and the Declaration on the Right to Development.

50. Mr. WILLIS (Australia) said that, although his delegation had voted in favour of the draft resolution, it had reservations regarding certain of the paragraphs, namely, the fifth preambular paragraph, which was a forced marriage of different elements from the Vienna Declaration; the reference in operative paragraph 2 to a permanent evaluation mechanism, which tended to prejudge the conclusions of the Working Group on the Right to Development; and operative paragraph 6 which authorized the Working Group to make recommendations on matters well beyond its competence.

51. Ms. KOFLER (Austria) said that her delegation had sponsored earlier resolutions on the right to development. Although it had voted in favour of the resolution just adopted, it nevertheless had reservations concerning operative paragraphs 6 and 2, which should have reflected more closely the language used in General Assembly resolution 48/130.

52. Mr. HYNES (Canada) said that his delegation had abstained on the draft resolution. It was particularly concerned at those elements which suggested

that the Working Group on the Right to Development was on the same footing as the human rights treaty bodies and those which appeared to prejudge the Working Group's deliberations.

53. Mr. GARRETÓN (Chile) said that he failed to see any negative consequences which might arise from establishing a permanent evaluation mechanism to follow up the implementation of the Declaration on the Right to Development, as called for in operative paragraph 2 of the draft resolution.

54. As for operative paragraph 6, the creation of a favourable international climate would serve to promote the right to development in the same way as achieving peace would serve to promote civil and political rights. Any factor which reinforced the right to development would automatically strengthen economic, social and cultural rights, matters which were closely connected to the work of the Commission.

55. The CHAIRMAN pointed out that, under rule 60 of the rules of procedure, sponsors of a draft resolution were not permitted to speak in explanation of vote, either before or after the voting.

56. Mr. MIRCEA (Romania) said that his delegation had voted in favour of the resolution, in view of the links between democracy, development and human rights. It was convinced that the Working Group would eventually find a way to eliminate the obstacles to consensus on that issue.

57. Mr. HALINEN (Finland) said that his delegation had abstained, despite its active interest in matters relating to the right to development. The draft resolution had exceeded the limits of the mandate of the Working Group on the Right to Development and had attempted to prejudge its conclusions.

58. Mr. DAUFRESNE de la CHEVALERIE (France) said that, in accordance with his Government's firm commitment to the right to development, his delegation had voted in favour of the resolution. It recognized in particular that the Working Group on the Right to Development could make a valuable contribution to the realization of that inalienable right. It appreciated the fact that the sponsors had incorporated in the text several changes it had suggested.

59. Mr. SOTIROV (Bulgaria) said that, although his delegation had voted in favour of the resolution, it regretted that the Commission had failed to produce a balanced text acceptable to all. Operative paragraph 2 did not accurately reflect the Working Group's report and prejudged its efforts. Operative paragraph 6 contained elements that were outside the Working Group's competence.

60. The CHAIRMAN said that the Commission had completed item 8 of its agenda.

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 18) (continued) (E/CN.4/1994/L.27/Rev.1)

Draft resolution on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1994/L.27/Rev.1)

61. Mr. SHIRAISHI (Acting Secretary of the Commission) said that the delegations of Australia, Cyprus and the Russian Federation and the observers for the Czech Republic, Liechtenstein, Slovakia and the Ukraine had become sponsors of the draft resolution.

62. Mr. STROHAL (Austria), introducing the draft resolution on behalf of its sponsors, said that consultations on the draft resolution held during the past week had emphasized the importance of three main aspects: promoting and giving effect to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; following up the final report of the Sub-Commission's Special Rapporteur on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/34 and Add.1-4); and strengthening advisory services in that area.

63. The draft resolution thus endorsed the Sub-Commission's decision to entrust the Special Rapporteur with the task of preparing a working paper on the elaboration of a more comprehensive programme for the prevention of discrimination and protection of minorities and called upon the Secretary-General to provide human and financial resources for advisory services and technical assistance relating to minority issues, human rights, and dispute management, resolution and prevention.

64. In the second line of operative paragraph 10, the words "the principles contained in" should be deleted.

65. Mr. CHAKRAVARTI (India) said that, in the fourth line of operative paragraph 8, there should be a comma after the words "human rights".

66. Mr. SHIRAISHI (Acting Secretary of the Commission) said that, according to operative paragraphs 8 and 9 of the draft resolution, the Secretary-General would be required to make available, at the request of the Governments concerned, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified expertise on minority issues and to assist in existing or potential situations involving minorities.

67. The type and extent of such services could not be predicted. It was not possible therefore to determine whether such services could be funded from within the resources available to the Centre for Human Rights, either through the regular budget or from extrabudgetary resources. That would have to be decided at a later stage and, if necessary, resources would have to be sought from the General Assembly.

68. Draft resolution E/CN.4/1994/L.27/Rev.1, as orally revised and corrected, was adopted without a vote.

69. Mr. HALINEN (Finland) said that, although it had joined the consensus, his delegation did have some reservations with regard to the resolution just adopted, the text of which did not reflect any real determination to implement the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Much more effort in that regard was needed at all levels, not least in the Commission and Sub-Commission. It might thus be appropriate to set up a working group to study the question of minority rights.

70. The CHAIRMAN said that the adoption of draft resolution E/CN.4/1994/L.27/Rev.1 meant that draft decision 10 on "Protection of minorities", recommended by the Sub-Commission, had been superseded. The Commission had thus completed item 18 of its agenda.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS;

(e) INTERNATIONAL YEAR OF THE FAMILY

(agenda item 11) (continued) (E/CN.4/1994/34, 35, 36 and Add.1, 37, 38, 39 and Corr.1, 40-42, 43 and Add.1, 44 and Add.1, 45 and 74; E/CN.4/1994/NGO/2-4 and 38; A/48/579)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (continued)

(E/CN.4/1994/73 and Add.1, 75, 76 and Add.1, 77 and Add.1, 78 and Add.1, 109; A/CONF.157/23)

71. Ms. ASLAM (Pakistan) said she supported the views expressed by the Secretary-General of the Fourth World Conference on Women, that the international agenda for women had evolved from issues of equality and development in the 1970s and 1980s through the application of a gender perspective to global, regional and national issues in the 1990s. That perspective needed to be understood clearly and incorporated into all decision-making mechanisms, particularly in the developing countries, where women constituted the most marginalized group of society.

72. Practical steps had to be taken to promote women to positions of power in all walks of life, to eliminate gross violations of their human rights and to promote consciousness among men and women of their responsibility with regard to the values of equality for women. It must be admitted that the

United Nations response and the various action programmes conceived by the international community over the past four decades aimed at the empowerment of women had been tardy and half-hearted.

73. The run-up to the Fourth World Conference on Women, to be held in Beijing in 1995, would constitute an historic opportunity for evolving a platform for action to recommend specific measures for equality and development. The success of the Conference and its impact on the global agenda into the coming century would largely depend on the quality of the preparatory process, which required coordinated action at the national, regional and international levels. The Secretariat would have a pivotal role to play in that process. Preparations at the national level were equally important, in particular the establishment of national committees or focal points to organize and coordinate national activities and create public awareness of the Conference.

74. Her delegation had participated actively in the meeting of the inter-sessional Working Group held in New York in January 1994 to draft the platform for action. In consultation with like-minded delegations, it had made many substantive proposals to remove the causes of the economic deprivation of women, which was at the root of their backwardness and relegation to second-class citizenship.

75. Women and children were most vulnerable to the adverse consequences of structural adjustment policies being carried out in the developing countries. Concerted action was needed to increase the involvement of women in economic decision-making, guarantee equal employment opportunities, develop services to assist them in child care and establish assistance programmes for women living in abject poverty.

76. In an age of so-called enlightenment, it was horrifying to see Fascists using rape and sexual abuse as an instrument of war not only in Bosnia and Herzegovina but in many other parts of the world. That situation called for condemnation by the world community. During the inter-sessional Meeting, it had been suggested that clear recommendations prohibiting that abominable practice should be included in the Programme of Action.

77. Her delegation noted with satisfaction that an International Tribunal had been set up to prosecute war criminals responsible for atrocities in the former Yugoslavia. It hoped that the Tribunal would give due priority to the cases of rape committed in Bosnia and Herzegovina.

78. Her Government welcomed the Declaration on the Elimination of Violence against Women adopted by the General Assembly and hoped that it would enable the international community to take decisive action against prostitution and trafficking in women.

79. Acts of violence committed against women migrant workers were a great cause of serious concern and the countries of origin and employment should evolve adequate legal frameworks to protect the rights of those women.

80. Her delegation looked forward to participating in the forthcoming session of the Commission on the Status of Women, which would provide another opportunity to formulate policy measures for inclusion in the platform of action.

81. Her Government was fully committed to the political, socio-economic and cultural advancement of women. A new approach was being explored to create a suitable environment in her country for ensuring equality of opportunity. Women's programmes in various sectors were being implemented by the Ministry for Women's Development. The Prime Minister had decided to reserve 25 special seats for women in the National Assembly and to create an additional 5 per cent representation for women in all services.

82. National resources had been mobilized for those programmes but her Government also required international support to accelerate the process and provide a dignified life for women in Pakistan.

83. Mr. FERNANDEZ de CORDOBA (Ecuador) said that his Government attached great importance to the rights of women and to the need to ensure effective equality between the sexes. The standards adopted so far forbade discrimination on grounds of sex but that was not sufficient. Violence against women was extensive. In almost all parts of the world, women were subjected to torture, prostitution and exploitation. They were subjected to individual violence and, what was even more serious, to collective and social violence.

84. The unequal treatment of women began in the family and continued at all levels of society. That discrimination had become institutionalized in the political, economic and social spheres. Furthermore, violence against women frequently originated in the family circle, a situation which the law was unable to deal with. The family, the central nucleus of society, was where men and women learned to live together. However, in many families, the woman had a lower role. Despite the legal and procedural achievements of recent years, women still continued to be subjected to sex-based discrimination and violence.

85. It was therefore necessary to strengthen the machinery to protect and enforce women's rights. At the World Conference on Human Rights, his delegation had thus supported the appointment of a special rapporteur on violence against women, as part of the search for a solution to that problem. As stated in the Vienna Declaration, it should be a priority for all Governments to ensure the women's full enjoyment of all human rights in conditions of equality and, in particular, to prevent violence against women.

86. In view of the imminence of the Fourth World Conference on Women, the preparatory process must begin as soon as possible if the proposed objectives were to be achieved. His delegation was thus co-sponsoring the Canadian draft resolution on "The integration of the rights of women in the human rights mechanisms of the United Nations". It also attached great importance to the future work of the High Commissioner for Human Rights in terms of removing the obstacles preventing the human rights of women from being fully respected.

87. Mr. BAUM (Germany) said that his delegation welcomed the creation of the post of High Commissioner for Human Rights, which constituted an important step towards the advancement of human rights. The realization of human rights was one of the main purposes of the United Nations Charter, a goal which the Organization had not yet achieved.

88. The World Conference on Human Rights had created an impressive range of areas of activity and goals. While many of them were complex and ambitious, those tasks were vital to achieving real progress in improving human rights protection worldwide. However, the taking of specific action required a solid financial basis and, in that connection, it would be recalled that article II A 9 of the Vienna Declaration and Programme of Action requested the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources of the human rights programme from within the existing and future regular budgets of the United Nations.

89. Unfortunately, at its most recent session, the General Assembly had failed to take such steps. Although the recommendations of the World Conference on Human Rights had been endorsed, only US$ 1.2 million had been authorized to cover the additional requirements for the biennial budget, an amount which was wholly inadequate in view of the Centre for Human Rights' identified requirements of $39 million.

90. His delegation therefore called on the members of the Commission and the Secretary-General to see to it that the share of the United Nations budget earmarked for human rights activities - currently a meagre 1.4 per cent - was appropriately increased in the current budget and in the estimates for the coming year.

91. Mr. STROHAL (Austria) said that the Vienna Declaration and Programme of Action was a landmark in the context of the United Nations obligation to advance human rights standards and instruments. The international community had not only taken stock of the achievements in the human rights system but had also focused on broadening the accession by Member States to international instruments.

92. The World Conference on Human Rights had strongly recommended a comprehensive programme to ensure that the universally accepted standards were brought to all peoples thus enhancing their effective enjoyment of human rights and fundamental freedoms. His delegation was convinced that such a comprehensive programme, which should involve all the actors in the field, could lead to an action-oriented and integrated approach.

93. In many cases throughout the world, an analysis of human rights situations tended to show that, even where Governments were committed to fulfilling their obligations under the relevant international instruments, those rights and fundamental freedoms could still be threatened by a number of factors: inadequate training and independence of judges and lawyers and ignorance, particularly among law-enforcement officers, prison staff and the military, of the established universal standards. There was obviously a close link between the quality of the administration of justice and the effectiveness of the protection of human rights.

94. His delegation acknowledged that a great number of Governments were endeavouring to close the gap between the realities in their countries and the universal standards. The system of advisory services and technical assistance could provide effective help to Governments so that they could reach that goal more speedily. Cooperation and dialogue, important principles in the field of human rights, were expressed in the concept of advisory services. Those services were instruments complementary to the highlighting of certain human rights violations. They were instruments of encouragement, aimed at harvesting the fruits of cooperation for the improved enjoyment of human rights in the countries concerned.

95. His delegation was pleased to see that the current report of the Secretary-General on the subject (E/CN.4/1994/76 and Add.1) reflected a further consolidation of the United Nations system of advisory services as well as a marked increase in the demand for such services and in the interest of Governments in cooperating in that field. It also welcomed and supported the interest shown in the establishment of field offices.

96. The growing demand for advisory services and technical assistance was placing additional burdens on the Centre for Human Rights and its partners within the United Nations system. Further improvement of cooperation mechanisms, as indicated in the report, could certainly help. The recent establishment of a Board of Trustees for the Voluntary Fund for Technical Cooperation in the Field of Human Rights was an important step forward towards enhanced efficiency of that promising programme. The number of ongoing and planned activities and the continued work within specific mandates reflected the wide scope of the Centre's activities and presaged intensive work to come.

97. Growing demand was competing for limited resources and capacities, while other international organizations and bilateral cooperation programmes were increasingly active with regard to human rights projects. Those developments led his delegation to make the following suggestions for optimizing the Centre's role. First of all, it recommended the establishment of clearer priorities, taking into account the relationship between demand and resources. Secondly, it would appreciate even closer attention being paid to the recommendations of the treaty bodies and the Commission's mechanisms. Thirdly, it looked forward to specific strengthening of cooperation programmes so as to improve the capacity of the international human rights system to prevent violations of human rights.

98. The activities of the advisory services, whether financed from the regular budget or, from the Voluntary Fund, had to achieve a new quality and a new dimension. With the assumption of his functions by the High Commissioner for Human Rights, the beginning of work by the Board of Trustees of the Voluntary Fund and the recent restructuring within the Secretariat, the necessary infrastructure was in place. The Vienna Declaration and Programme of Action recommended regular information meetings. In his opinion, such meetings were essential and could bring together Member States, intergovernmental organizations and non-governmental organizations under the auspices of the Centre for Human Rights and the High Commissioner. With such meetings, it should be possible to follow up the three basic objectives and to bring demand and supply closer together.

99. The meetings could begin by concentrating on general areas such as legislation, independence of the judiciary or the administration of justice. At a later stage, a meeting might well focus more precisely on the specific needs of a given country or group of countries. His delegation hoped that its proposal could be followed up with the Centre for Human Rights and all interested Governments in order to implement the far-reaching proposals made at Vienna.

The meeting rose at 12.55 p.m.